

Appl. No. 09/665,200
Amdt. Dated March 12, 2004
Reply to Office action of December 23, 2003
Attorney Docket No. P13183-US2
EUS/J/P/04-1048

REMARKS/ARGUMENTS

1.) Amendments

The Applicants have amended claims 1, 4, 9 and 12; claims 5 and 13 have been cancelled. Accordingly, claims 1-4, 6-12 and 14-16 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections-35 U.S.C. §112

The Examiner rejected claims 4, 8, 12, and 16 as being indefinite. With respect to claims 4 and 12, the Examiner stated that the phrase "substantially later" is not understood, and with respect to claims 8 and 16, the Examiner stated that the phrase "substantially the same" is not understood.

With respect to claims 4 and 12, the Applicants have deleted the term "substantially," such that those claims now recite the limitation "wherein said combining step includes selecting only segments that were processed not later in time than a completion of said first process." The aspect of Applicants' invention recited in claims 4 and 12 is particularly described with reference to Figure 4 at page 10, line 6, to page 12, line 16, and those skilled in the art will readily understand the scope of those claims in view of Applicants' disclosure. Therefore, the Applicants traverse the rejection of claims 4 and 12 as being indefinite.

With respect to claims 8 and 16, the Applicants' disclosure fully describes the claimed aspect of the invention at page 16, lines 8-22, and those skilled in the art will readily understand the scope of those claims in view of Applicants' disclosure. The

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Applicants' invention is not limited to an exact match between an estimated spreading factor and a correct spreading factor as the criteria for selecting segments that were processed using an estimated spreading factor; however, it is preferably that segments be selected only if the codes are "substantially the same" in order to avoid selecting segments containing invalid data. The degree to which the codes match in a particular implementation is a design choice and not a limitation to the scope of Applicants' invention. Therefore, the Applicants traverse the rejection of claims 8 and 16 as being indefinite.

3.) Allowable Subject Matter

The Examiner objected to claims 5-7 and 13-15 as being dependent upon rejected base claims, but indicated such claims would be allowable if rewritten in independent form, including all of the limitations of their respective base claims and any intervening claims. The Applicants thank the Examiner for the indication of allowable subject matter.

The Applicants have amended independent claims 1 and 9 to include the allowable subject matter of claims 5 and 13, respectively. Accordingly, claims 1 and 9 are now allowable. Furthermore, whereas claims 2-4 and 6-8 are dependent from claim 1 and claims 10-12 and 14-16 are dependent from claim 9, and include the limitations of their respective base claims, those claims are also now allowable.

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4.) Claim Rejections – 35 U.S.C. §102(e)

The Examiner rejected claims 1 and 9 as being anticipated by United States Patent No. 6,590,888, issued to Ohshima. In view of the amendments to those claims to include the allowable subject matter of claims 5 and 13, respectively, the Examiner's rejection thereof is moot.

5.) Claim Rejections – 35 U.S.C. §103 (a)

The Examiner rejected claims 2, 3, 10 and 11 as being unpatentable over Ohshima. In view of the amendments to claims 1 and 9 (from which claims 2, 3, 10 and 11 are dependent) to include the allowable subject matter of claims 5 and 13, respectively, the Examiner's rejection thereof is moot.


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CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-4, 6-12 and 14-16.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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